

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

JAMIE LEE WARE, )  
Plaintiff, )  
v. ) 5:11-CV-3714-JHH-PWG  
DOCTOR EDGAR READY, et al., )  
Defendants. )

## MEMORANDUM OF OPINION

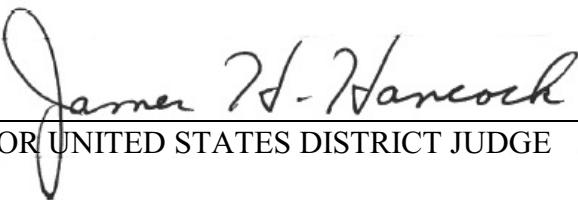
The magistrate judge filed a report and recommendation on February 1, 2012, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. The plaintiff filed objections to the report and recommendation on February 14, 2012.

The plaintiff objects to the magistrate judge's recommendation that Dr. Ready be dismissed as a defendant because he is not a state actor. The plaintiff contends that Dr. Ready provides services to prisoners through an arrangement with Correctional Medical Services, the prison medical provider, and thereby became an employee of CMS and his actions were state action. The plaintiff has not provided any support for his claim that Dr. Ready is an employee of CMS.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and the objections thereto, the Court is of the opinion

that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. A Final Judgment will be entered.

**DONE** this the 21st day of February, 2012.

  
\_\_\_\_\_  
SENIOR UNITED STATES DISTRICT JUDGE